



**PATENT**  
**Customer Number 22,852**  
**Attorney Docket No. 05725.0505-00**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
David W. CANNELL et al. ) Group Art Unit: 1751  
Application No.: 09/838,197 ) Examiner: E. Elhilo  
Filed: April 20, 2001 )  
For: COMPOSITION AND METHODS FOR ) Confirmation No. 1548  
LANTHIONIZING KERATIN FIBERS )  
USING AT LEAST ONE ORGANIC )  
NUCLEOPHILE AND AT LEAST ONE )  
HYDROXIDE ION GENERATOR )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed documents are attached, except copies of the U.S. patents, U.S. patent publications, and co-pending applications, which are available on the Image File Wrapper System.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir.

2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **CN 1138450 A** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,932,201, which is listed herewith.
2. **DE 20 14 628** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith. This document is believed to be related to GB 1 281 662, which is submitted herewith.
3. **DE 28 23 243** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
4. **EP 0 636 358** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

5. **JP-A 2002-003346** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

6. **JP-A 2002-68976** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

7. **JP-A H02-104515** - The document is believed to be related to EP Patent No. 0 354 835, which was submitted with the Information Disclosure Statement dated November 7, 2002.

8. **JP-A H04-243860** - The document is believed to be related to U.S. Patent No. 5,154,918, which was submitted with the Information Disclosure Statement dated November 7, 2002.

9. **JP-A H04-295413** - The document is believed to be related to U.S. Patent No. 5,223,252, which was submitted with the Information Disclosure Statement dated November 7, 2002.

10. **JP-A H05-246827** - The document is believed to be related to EP Patent No. 0 512 879, which was submitted with the Information Disclosure Statement dated November 7, 2002.

11. **JP-A H08-245559** - The document is believed to be related to U.S. Patent No. 5,679,332, which was submitted with the Information Disclosure Statement dated November 7, 2002.

12. **JP-A H5-39211** - The document is believed to be related to U.S. Patent No. 5,419,895, which is submitted herewith.

13. **JP-A H6-172141** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
14. **JP-A H6-343511** - The document is believed to be related to U.S. Patent No. 5,565,192, which is submitted herewith.
15. **JP-A H7-101840** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
16. **JP-A S50-029756** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which are submitted herewith.
17. **JP-A S50-029757** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which are submitted herewith.
18. **JP-A S63-190814** - The document is believed to be related to U.S. Patent No. 5,294,230, which is submitted herewith.
19. **WO 99/18922** - An English language abstract of this foreign language document can be found on the title page of this document.
20. **Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87** - Applicants currently do not have an English translation of this reference, but will submit as soon as the English translation is obtained.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law,

Application No.: 09/838,197  
Attorney Docket No. 05725.0505-00

Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

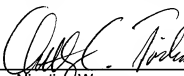
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 14, 2005

By:  Reg No 45,958 for  
Ningling Wang  
Reg. No. 52,412

IDS Form PTO/SB/08: Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
Application Number		09/838,197			
Filing Date		April 20, 2001			
First Named Inventor		Cannell			
Art Unit		1751			
Examiner Name		E. Elhilo			
Attorney Docket Number		05725.0505-00000			
Sheet	1	of	7		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
/E.E./		2,405,166	8/8/1946	Reed et al.	
		2,464,280	3/15/1949	Reed et al.	
		2,464,281	3/15/1949	Peterson	
		2,564,722	8/21/1951	Reed et al.	
		2,719,814	10/4/1955	Haefele	
		3,017,328	1/16/1962	Childrey, Jr. et al.	
		3,066,077	11/27/1962	De Mytt et al.	
		3,242,052	3/22/1966	Sheffner	
		3,243,346	3/29/1966	Bechmann et al.	
		3,252,866	5/24/1966	Sheffner	
		3,533,417	10/13/1970	Bartoszewicz et al.	
		3,654,936	4/11/1972	Wajaroff	
		3,908,672	9/30/1975	Bore et al.	
		3,971,391	7/27/1976	Bore et al.	
		3,973,574	8/10/1976	Minagawa, deceased et al.	
		4,139,610	2/13/1979	Miyazaki et al.	
		4,153,681	5/8/1979	Shiba	
		4,175,572	11/27/1979	Hsiung et al.	
		4,218,435	8/19/1980	Shiba	
		4,237,910	12/9/1980	Khahil et al.	
		4,272,517	6/9/1981	Yoneda et al.	
		4,303,085	12/1/1981	de la Guardia et al.	
		4,304,244	12/8/1981	de la Guardia	
		4,314,572	2/9/1982	de la Guardia et al.	
		4,322,401	3/30/1982	Harada	
		4,324,263	4/13/1982	de la Guardia	
/E.E./		4,361,157	11/30/1982	James	

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	09/838,197
				Filing Date	April 20, 2001
				First Named Inventor	Cannell
				Art Unit	1751
				Examiner Name	E. Elhilo
Sheet	2	of	7	Attorney Docket Number	05725.0505-00000

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		Number-Kind Code (if known)			
/E.E./		4,373,540	2/15/1983	de la Guardia	
		4,390,033	6/28/1983	Khalil et al.	
		4,416,296	11/22/1983	Meyers	
		4,424,820	1/10/1984	Cannell et al.	
		4,509,983	4/9/1985	Szabo et al.	
		4,605,018	8/12/1986	de la Guardia et al.	
		4,783,395	11/8/1988	Hsieh et al.	
		4,793,994	12/27/1988	Helioff et al.	
		4,895,722	1/23/1990	Abe et al.	
		4,950,485	8/21/1990	Akhtar et al.	
		5,015,767	5/14/1991	Maignan et al.	
		5,077,042	12/31/1991	Darkwa et al.	
		5,106,612	4/21/1992	Maignan et al.	
		5,294,230	3/15/1994	Wu et al.	
		5,332,471	7/26/1994	Naddeo et al.	
		5,332,570	7/26/1994	Bergstrom et al.	
		5,348,737	9/20/1994	Syed et al.	
		5,376,364	12/27/1994	Darkwa et al.	
		5,419,895	5/30/1995	Kubo et al.	
		5,523,078	6/4/1996	Baylin	
		5,565,192	10/15/1996	Leroy et al.	
		5,565,216	10/15/1996	Cowsar et al.	
		5,591,425	1/7/1997	Dhaliwal	
		5,609,859	3/11/1997	Cowsar	
		5,679,327	10/21/1997	Darkwa et al.	
		5,775,342	7/7/1998	Hohenstein et al.	
		5,824,295	10/20/1998	Syed et al.	
/E.E./		5,833,966	11/10/1998	Samain	

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
Sheet		3	of	7	Application Number 09/838,197
					Filing Date April 20, 2001
					First Named Inventor Cannell
					Art Unit 1751
					Examiner Name E. Elhilo
					Attorney Docket Number 05725.0505-00000

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No.	Document Number Number-Kind Code (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/E.E./		5,849,277	12/15/1998	Cowsar	
		5,872,111	2/16/1999	Au et al.	
		5,932,201	8/3/1999	de Labbey et al.	
		5,935,558	8/10/1999	Malle	
		5,961,667	10/5/1999	Doehling et al.	
		6,058,943	5/9/2000	Davis-Harris	
		6,287,582	9/11/2001	Gott et al.	
		6,435,193	8/20/2002	Cannell et al.	
		6,782,895	8/31/2004	Van Nguyen et al.	
		6,792,954	9/21/2004	Cannell et al.	
		US-2001/0008630	7/19/2001	Pyles et al.	
/E.E./		US-2002/0189027	12/19/2002	Cannell et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
/E.E./		CN 1138450 A	12/25/1996	L'Oreal		Abstract
		DE 20 14 628	10/14/1971	Wella Aktiengesellschaft		Abstract
		DE 28 23 243	11/29/1979	Wella Aktiengesellschaft		Abstract
		EP 0 636 358 A1	2/1/1995	L'Oreal		Abstract
		EP 0 712 623	5/22/1996	Shiseido Company Limited		
		GB 1 002 889	9/2/1965	Mead Johnson & Company		
		GB 1 281 662	7/12/1972	Wella Aktiengesellschaft		
		JP-A 2002-003346	1/9/2002	Dowa Yakusho KK		Abstract
		JP-A 2002-68976	3/8/2002	Chuo Aerosol Kagaku KK		Abstract
/E.E./		JP-A H02-104515	4/17/1990	L'Oreal		

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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IDS Form PTO/SB/08: Substitute for form 1449a/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Complete if Known Application Number 09/838,197 Filing Date April 20, 2001 First Named Inventor Cannell Art Unit 1751 Examiner Name E. Elhilo Attorney Docket Number 05725.0505-00000	
Sheet	4	of	7		

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
/E.E./		JP-A H04-243860	8/31/1992	L'Oreal		
		JP-A H04-295413	10/20/1992	Helene Curtis, Inc.		
		JP-A H05-246827	9/24/1993	L'Oreal		
		JP-A H08-245559	9/24/1996	Wella Aktiengesellschaft		
		JP-A H5-39211	2/19/1993	Shiseido Co., Ltd.		
		JP-A H6-172141	6/21/1994	Takara Belmont KK		Abstract
		JP-A H6-343511	12/20/1994	L'Oreal		
		JP-A H7-101840	4/18/1995	KAO Corp.		Abstract
		JP-A S50-029756	3/25/1975	L'Oreal		
		JP-A S50-029757	3/25/1975	L'Oreal		
		JP-A S63-190814	8/8/1988	The Gillette Co.		
		WO 01/64171 A2	9/7/2001	L'Oreal		
		WO 02/67875 A1	9/6/2002	L'Oreal		
		WO 97/07775	3/6/1997	Johnson Products Co., Inc.		
/E.E./		WO 99/18922	4/22/1999	L'Oreal		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
/E.E./		Advisory Action dated July 22, 2005, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
/E.E./		CLARIANT, "Tylose Water-soluble cellulose ethers", Product range and fields of Application (No date)	
/E.E./		Co-pending Application No. 09/516,942 - Attorney Docket No. 05725.0487-00000 Title: Hair Relaxer Compositions Utilizing Complexing Agent Activators Inventors: Nghi Van Nguyen et al. U.S. Filing Date: March 1, 2000	

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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IDS Form PTO/SB/08. Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	09/838,197
				Filing Date	April 20, 2001
				First Named Inventor	Cannell
				Art Unit	1751
				Examiner Name	E. Elhilo
Sheet	5	of	7	Attorney Docket Number	05725.0505-00000

## NON PATENT LITERATURE DOCUMENTS

/E.E./	Co-pending Application No. 09/717,206 - Attorney Docket No. 05725.0534-00000 Title: Hair Relaxer Compositions Utilizing Cation Exchange Compositions Inventors: David W. Cannell et al. U.S. Filing Date: November 22, 2001	
/E.E./	Co-pending Application No. 09/931,912 - Attorney Docket No. 05725.0593-00000 Title: Compositions Comprising at Least One Hydroxide Compound and at Least One Reducing Agent, and Methods for Relaxing Inventors: Nghi Van Nguyen et al. U.S. Filing Date: August 20, 2001	
/E.E./	Co-pending Application No. 09/931,913 - Attorney Docket No. 05725.0848-00000 Title: Compositions Comprising at Least One Hydroxide Compound and at Least One Oxidizing Agent, and Methods to Straighten Curly Hair Inventors: Nghi Van Nguyen et al. U.S. Filing Date: August 20, 2001	
/E.E./	Co-pending Application No. 09/931,914 - Attorney Docket No. 05725.0798-00000 Title: Compositions Comprising at Least One Hydroxide Compound and at Least One Complexing Agent, and Methods for Using the Same Inventors: Nghi Van Nguyen et al. U.S. Filing Date: August 20, 2001	
/E.E./	Co-pending Application No. 09/931,919 - Attorney Docket No. 05725.0639-00000 Title: Method for Relaxing and Re-Waving Hair Comprising at Least One Reducing Agent and at Least One Hydroxide Compound Inventors: David W. Cannell et al. U.S. Filing Date: April 20, 2001.	
/E.E./	Co-pending Application No. 10/214,942 - Attorney Docket No. 05725.0534-01000 Title: Hair Relaxer Compositions Utilizing Cation Exchange Composition (8-2002)	
/E.E./	English language Derwent Abstract for CN 1138450 A (1996)	
/E.E./	English language Derwent Abstract for DE 20 14 628 (1971)	
/E.E./	English language Derwent Abstract for DE 28 23 243 (1979)	
/E.E./	English language Derwent Abstract for EP 0 636 358 A1 (1995)	
/E.E./	English language Derwent Abstract for JP 60021704 (1985)	
/E.E./	English language Derwent Abstract for JP 76-09013 (No date)	
/E.E./	English language Derwent Abstract for JP-A 2002-003346 (2002)	
/E.E./	English language Derwent Abstract for JP-A 2002-68976 (2002)	
/E.E./	English language Derwent Abstract for JP-A H6-172141 (1994)	

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	09/838,197
				Filing Date	April 20, 2001
				First Named Inventor	Carnell
				Art Unit	1751
				Examiner Name	E. Elhilo
Sheet	6	of	7	Attorney Docket Number	05725.0505-00000

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
/E.E./		English language Derwent Abstract for JP-A H7-101840 (1995)	
/E.E./		Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87.	
/E.E./		International Search Report for International Application No. PCT/US01/43193 (Related to Attorney Docket Nos. 05725.0534-00 and 05725.0534-01), July 5, 2002, Examiner Simon.	
/E.E./		International Search Report for International Application No. PCT/US02/03392 (Related to Attorney Docket No. 05725.0535), May 8, 2002, Examiner Bertrand	
/E.E./		International Search Report for International Application No. PCT/US02/08270 (Related to Attorney Docket No. 05725.0505), August 7, 2002, Ex. Bertrand	
/E.E./		International Search Report for International Application No. PCT/US02/21846 (Related to Attorney Docket No. 05725.0798), November 8, 2002, Ex. Marie	
/E.E./		International Search Report for International Application No. PCT/US02/21848 (Related to Attorney Docket No. 05725.0848), November 25, 2002, Examiner Bertrand.	
/E.E./		International Search Report for International Application No. PCT/US02/21849 (Related to Attorney Docket No. 05725.0593), May 25, 2003, Examiner Menidjel.	
/E.E./		Office Action dated Apr. 13, 2004, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
/E.E./		Office Action dated Apr. 28, 2003, in co-pending Application No. 09/931,914 (Attorney Docket No. 05725.0798) (issued as U.S. Patent No. 6,782,895)	
/E.E./		Office Action dated April 12, 2005, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00).	
/E.E./		Office Action dated August 31, 2005, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848-00).	
/E.E./		Office Action dated Dec. 16, 2003, in co-pending Application No. 10/214,942 (Attorney Docket No. 05725.0534-01) (Now issued as U.S. Patent No. 6,792,954)	
/E.E./		Office Action dated February 5, 2003, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
/E.E./		Office Action dated July 23, 2004, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
/E.E./		Office Action dated July 26, 2004, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00).	
/E.E./		Office Action dated July 31, 2003, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00).	
/E.E./		Office Action dated March 8, 2005, in co-pending Application No. 09/931,912 (Attorney Docket No. 05725.0593-00).	

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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Sheet	7	of	7	Attorney Docket Number	05725.0505-00000

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/E.E./		Office Action dated May 24, 2004, in co-pending Application No. 09/931,912 (Attorney Docket No. 05725.0593-00).	
/E.E./		Office Action dated Nov. 19, 2004, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
/E.E./		Office Action dated Oct. 27, 2003, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
/E.E./		Office Action dated October 27, 2003 in co-pending Application No. 09/931,912 (Attorney Docket No. 05725.0593-00).	
/E.E./		Office Action dated Sept. 9, 2003, in co-pending Application No. 09/931,914 (Attorney Docket No. 05725.0798) (issued as U.S. Patent No. 6,782,895)	
/E.E./		Office Action dated September 10, 2002, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
/E.E./		Zviak, C., The Science of Hair Care, pp 185-186 (1986).	

Examiner Signature	/Eisa Elhilo/	Date Considered	07/18/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.